

Hon. Mr. Seddon.

CONSTITUTION ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>LEGISLATIVE COUNCIL.</p> <p>3. Life-tenure of members of Council abolished.</p> <p>4. Provision for gradual retirement of life-members.</p> <p>5. Such life-members may be reappointed.</p> <p>6. Privileges retained by such members.</p> <p>7. Women to be eligible as members.</p> <p>COMBINED CHAMBER.</p> <p>8. Either House may pray Governor to summon a convention on rejected Bill.</p> <p>9. When Bill to be deemed rejected by either House.</p> <p>10. Governor may by Proclamation convene meeting of both Houses.</p> <p>11. Both Houses to sit and vote as one Chamber. Governor to transmit rejected Bill to Combined Chamber.</p> <p>12. Quorum and Speaker. Questions to be decided by majority.</p> <p>13. When Combined Chamber may sit. Termination of sittings.</p> <p>14. Standing Rules and Orders.</p> <p>15. Disposal of rejected Bill.</p>	<p>16. Effect of rejected Bill passed by Combined Chamber.</p> <p>17. Certain Bills excepted from this Act.</p> <p>18. Governor's amendments.</p> <p>19. Privileges of Combined Chamber.</p> <p>REFERENDUM.</p> <p>20. What may be submitted to Referendum.</p> <p>21. Clerk of Parliaments to send copy of Bill or resolution to Governor.</p> <p>22. Governor to gazette same, and fix day for poll.</p> <p>23. When poll to be taken.</p> <p>24. Poll to be taken as in case of general election.</p> <p>25. Form of voting-papers. Schedule, Form A.</p> <p>26. Result of poll to be certified. Schedule, Form B.</p> <p>27. Results to be tabulated, declared, and gazetted.</p> <p>28. Form of declaration—Schedule, Form C.</p> <p>29. Effect of Referendum as to Bill.</p> <p>30. Effect of Referendum as to other than Bill.</p> <p>31. Limit of time for second Referendum.</p> <p>32. Bills to which Referendum does not apply.</p> <p>33. Regulations.</p> <p>GENERAL.</p> <p>34. Act to apply to certain resolutions.</p> <p>35. Acts modified or repealed. Schedule.</p>
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A BILL INTITULED

AN ACT to amend the Constitution Act.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Constitution Act Amendment Act, 1896." Title.

2. In this Act, if not inconsistent with the context: Interpretation.

"Council" means the Legislative Council;

"House" means the Legislative Council or the House of Representatives.

LEGISLATIVE COUNCIL.

3. The life-tenure of members of the Council is hereby abolished. Life-tenure of members of Council abolished.

Provision for gradual retirement of life-members.

4. In order to provide for the gradual retirement of all members of the Council who at the time of the coming into operation of this Act hold their seats for life (hereinafter called "life-members"), it is hereby declared that, on the seventeenth day of September, one thousand eight hundred and ninety-eight, and on the same day in each year thereafter, the five life-members who have then held their seats for the longest continuous period shall cease to be members of the Council :

(1.) Provided that if on any such day and date it is found that of two or more life-members who have held their seats for the same continuous period, one or more, but less than all of them, would be required to cease to be members under the provisions of this section, then of those members the member who attended a less number of sittings of the Council during the then last-preceding session thereof shall cease to be member in priority to the member who attended a greater number of such sittings :

(2.) Provided also that if any question arises between two or more life-members who have attended the same number of such sittings as to which of them shall cease to be member, then the question shall be publicly decided by lot by two persons to be appointed by the Governor for that purpose, and the Governor shall, by notice in the *Gazette*, declare the result :

(3.) Provided further that if on any such day and year the total number of life-members is less than five, then all of them shall cease to be members.

Such life-members may be reappointed.

5. Every person who under the provisions of this Act ceases to be a member of the Council may from time to time be reappointed under the provisions of "The Legislative Council Act, 1891."

Privileges retained by such members.

6. Every person who under the provisions of this Act ceases to be a member of the Council shall during the remainder of his life be entitled to retain and enjoy the following privileges in like manner in all respects as if he were still a member, that is to say,—

(1.) The title of "Honourable," if Her Majesty is pleased to consent thereto ;

(2.) A free pass over all such of the New Zealand railways as from time to time are the property of the colony ;

(3.) Access to the parliamentary library ; and

(4.) Receipt of copies of parliamentary papers.

Women to be eligible as members.

7. Women shall be eligible for appointment as members of the Council.

COMBINED CHAMBER.

Either House may pray Governor to summon a convention on rejected Bill.

8. Whenever within the space of fourteen months any Bill is twice passed by one House and twice rejected by the other, then and in any such case, and at any time within three weeks after the second rejection, the House that passed such Bill may by address pray the Governor forthwith to summon a convention of the two Houses to sit together for the purpose of deliberating and voting on such Bill.

When Bill to be deemed rejected by either House.

9. For the purposes of this Act the following provisions shall apply :—

137

(1.) The first rejection of a Bill shall be deemed to occur whenever such Bill has been passed by one House and transmitted to the other for its concurrence therein, and thereupon such other House either,

- 5 (a.) Fails to notify its concurrence therein by Message to such first-mentioned House; or
 - (b.) Notifies such concurrence, but with amendments in which the first-mentioned House does not agree;
- and by reason thereof the Bill is lost.

10 (2.) In any such case the Bill shall be deemed to have been rejected by such other House.

(3.) The second rejection of such Bill shall be deemed to occur whenever such first-mentioned House again passes the Bill (or a Bill substantially the same) and transmits it to the other House for its

15 concurrence therein, and such other House within four weeks after receiving the same, either

- (a.) Fails to notify its concurrence therein by Message to such first-mentioned House; or
- 20 (b.) Notifies such concurrence, but with amendments in which such first-mentioned House does not concur.

(4.) In any such case the Bill (hereinafter referred to as a "rejected Bill") shall be deemed to have been again rejected by such other House.

25 (5.) The Speaker of such first-mentioned House, by certificate under his hand, shall alone determine, and without appeal, whether a Bill is a rejected Bill within the meaning of this Act, and whether any Bill is, for the purposes of this Act, substantially the same as another Bill.

30 10. (1.) On receipt of such address as aforesaid the Governor may, if he thinks fit, by Proclamation, convene the members of both Houses to meet at a time and place fixed by him for the purpose of deliberating and voting on such rejected Bill.

Governor may by Proclamation convene meeting of both Houses.

(2.) In such Proclamation the Governor may describe such rejected Bill by its Short Title, or in any other way he thinks fit; and such Proclamation shall be conclusive proof that the Bill mentioned therein is a rejected Bill and within the operation of this Act.

11. At the time and place so fixed as aforesaid the following provisions shall apply:—

Both Houses to sit and vote as one Chamber.

40 (1.) The members of both Houses shall assemble together in one Chamber, and sit and vote together therein, and form one legislative body (hereinafter referred to as "the Combined Chamber") for the purpose of taking into consideration the rejected Bill mentioned or referred to in such Proclamation.

45 (2.) The Governor shall by message transmit to the Combined Chamber a copy of the Bill mentioned or referred to in such Proclamation, and such copy shall bear a certificate by the Speaker of the House that passed the Bill that it is a true copy of the Bill as it was transmitted by that House to the House that rejected it; and the copy in fact transmitted shall for all purposes be deemed and taken

50 to be the rejected Bill mentioned in such Proclamation.

Governor to transmit rejected Bill to Combined Chamber.

Quorum and Speaker.

12. (1.) At every sitting of the Combined Chamber the quorum shall be *forty*, and at the first sitting the members present, before transacting any other business, shall proceed to elect as Speaker of the Combined Chamber the Speaker of one of the two Houses.

Questions to be decided by majority.

(2.) All questions which arise in the Combined Chamber shall be decided by a majority of the votes of the members present, other than the Speaker thereof, and when the votes are equal the Speaker shall have the casting-vote. 5

When Combined Chamber may sit.

13. (1.) The Combined Chamber may sit during a session of the General Assembly, but at no other time; and during the sitting of the Combined Chamber the members thereof shall not be required to attend the sittings of either House. 10

Termination of sittings.

(2.) The sittings of the Combined Chamber shall terminate when the General Assembly is dissolved or expires by effluxion of time, or when they are sooner terminated by the Governor by Proclamation, which he is hereby empowered at any time to make. 15

Standing Rules and Orders.

14. The Combined Chamber may from time to time make Standing Rules and Orders for the purpose of regulating the conduct of its business and proceedings:

Provided that until the making thereof as aforesaid those of the House of Representatives shall apply to the Combined Chamber. 20

Disposal of rejected Bill.

15. Subject to the restrictions hereinafter contained the Combined Chamber may either pass any rejected Bill with or without amendment, or may reject it.

Effect of rejected Bill passed by Combined Chamber.

16. (1.) If any rejected Bill is passed, either with or without amendment, by the Combined Chamber, it shall be transmitted by the Speaker thereof to the Governor, and shall thereafter be deemed for all purposes to be a Bill duly passed by the General Assembly in Parliament assembled, in pursuance of the Constitution Act, and shall be certified, authenticated, and presented to the Governor for Her Majesty's assent, and be otherwise dealt with accordingly. 30

(2.) The enacting form of such Bill shall be such as is used in Acts passed by the General Assembly.

Certain Bills excepted from this Act.

17. Notwithstanding anything elsewhere in this Act contained, it shall not be competent for the Combined Chamber— 35

(1.) To amend any rejected Bill for appropriating any part of the revenue of New Zealand, or for imposing, abolishing, or varying any duty or charge; nor

(2.) To take into consideration or vote on any rejected Bill for repealing or amending this Act, or for altering or affecting the constitution or powers of the Council. 40

Governor's amendments.

18. The Governor may transmit by message to the Combined Chamber for consideration any amendment which he desires to be made in any rejected Bill passed by it before it is presented to him for Her Majesty's assent, and all such amendments shall be taken into consideration in such convenient manner as the Standing Rules and Orders of the Combined Chamber prescribe. 45

Privileges of Combined Chamber.

19. The Combined Chamber, and the members thereof, shall possess the privileges, immunities, and powers now possessed by the General Assembly of New Zealand and the members thereof, and shall conduct and regulate their proceedings in accordance with Standing Rules and Orders as hereinbefore provided. 50

REFERENDUM.

20. In any of the following cases, that is to say,—

- 5 (1.) If a Bill passed by both Houses, or a rejected Bill passed by the Combined Chamber, contains a provision that such Bill shall be reserved for the Referendum ; or
- (2.) If a resolution is passed by both Houses, or by the Combined Chamber, in favour of submitting to the Referendum any legislative proposal (other than a Bill) set forth in such resolution ;

What may be submitted to Referendum.

10 Then such Bill or proposal shall, in manner hereinafter directed, be referred to the vote of all the electors entitled to vote for the election of members of the House of Representatives :

15 Provided that it shall not be competent for the Combined Chamber to pass any such resolution as aforesaid unless the legislative proposal to which it relates is contained in a rejected Bill duly transmitted to such Chamber by the Governor under the provisions in that behalf hereinbefore contained.

20 21. Forthwith upon the passing of such Bill or resolution a copy thereof, certified as correct by the Speaker of each House or of the Combined Chamber that passed the same, as the case may be, shall be transmitted to the Governor by the Clerk of Parliaments.

Clerk of Parliaments to send copy of Bill or resolution to Governor.

25 22. Forthwith upon receipt of such copy the Governor shall cause the same to be published in the *Gazette*, and in the same *Gazette* shall appoint a day for the taking of a poll of the electors thereon.

Governor to gazette same, and fix day for poll.

30 23. The day so appointed shall be not sooner than *twenty-one* nor later than *forty-two* days after the close of the session of Parliament during which such Bill or resolution was passed, and shall not be the same day as that appointed for the election of any member of the House of Representatives.

When poll to be taken.

35 24. Subject to the provisions of this Act, the poll shall be taken in each electoral district in the colony by the same Returning Officer, at the same polling-places, and in the same manner as in the case of a general election, and the provisions of "The Corrupt Practices Prevention Act, 1881," and "The Electoral Act, 1893," in so far as they are applicable, shall, *mutatis mutandis*, apply accordingly.

Poll to be taken as in case of general election.

40 25. For the purposes of every such poll the voting-papers shall be in the Form A in the Schedule hereto.

Form of voting-papers. Schedule, Form A.

45 26. The result of the poll in each electoral district shall be duly certified by the Returning Officer in the Form B in the Schedule hereto, and he shall forward the same to the Clerk of Writs.

Result of poll to be certified. Schedule, Form B.

50 27. Forthwith upon receipt of the results of the poll in every electoral district the Clerk of Writs shall prepare and gazette a tabulated statement thereof showing for each electoral district, and for the whole colony, the total number of votes recorded for and against the Bill or proposal submitted to the Referendum, and the total number of informal votes ; and shall declare such Bill or proposal to be approved or disapproved by the Referendum accordingly as, of all the votes recorded, the majority is recorded for or against such Bill or proposal.

Results to be tabulated, declared, and gazetted.

28. Such statement and declaration shall be in the Form C in the Schedule hereto.

Form of declaration. Schedule Form C.

Effect of Referendum as to Bill,

29. With respect to any Bill which is duly submitted to the Referendum, the following provisions shall apply:—

- (1.) Until the gazetting of the result of the poll, the Bill shall remain in the custody of the Clerk of Parliaments, and shall not be transmitted to the Governor. 5
- (2.) If the Bill is approved by the Referendum, then forthwith on the gazetting of the result of the poll the Bill shall be transmitted by the Clerk of Parliaments to the Governor, and shall thereafter be treated and dealt with in manner prescribed by section *sixteen* of this Act. 10
- (3.) If the Bill is disapproved by the Referendum, it shall be deemed to be a Bill rejected by Parliament or by the Combined Chamber, as the case may be, in the session thereof next preceding the date of the poll, and shall be treated and dealt with accordingly. 15

Effect of Referendum as to other than Bill.

30. With respect to any legislative proposal (other than a Bill) which is duly submitted to the Referendum, the following provisions shall apply:—

- (1.) If such proposal is approved by the Referendum, the Government shall, within ten days after the commencement of the next ensuing session of Parliament, introduce a Bill to give effect to such proposal. 20
- (2.) If such proposal is disapproved by the Referendum, it shall be deemed to be a resolution rejected as aforesaid, and shall be dealt with accordingly. 25

Limit of time for second Referendum.

31. No Bill or other legislative proposal which has been submitted to the Referendum shall be again submitted for a period of three years after the gazetting of the result of the poll taken on the first submission unless at least ten thousand electors so request by petition to Parliament. 30

Bills to which Referendum does not apply.

32. Nothing in this Act relating to the Referendum shall apply to any private Bill, or to any Bill or other legislative proposal, which deals with the construction or maintenance of public works of a purely local character, or with parliamentary procedure, or which the House of Representatives, by resolution, declares to be a matter of urgency. 35

Regulations.

33. The Governor may from time to time make such regulations as he may deem necessary for the proper taking of the poll under this Act.

GENERAL.

Act to apply to certain resolutions.

34. The provisions of this Act relating to rejected Bills shall, *mutatis mutandis*, apply to any resolution which requires for its validity the assent of both Houses, and which, within the space of fourteen months, has been twice passed by one House and twice rejected by the other. 45

Acts modified or repealed.

35. The Constitution Act, "The Legislative Council Act, 1891," and all other Acts that are in any way in conflict with this Act are hereby modified or repealed in so far as such conflict exists, but not further or otherwise.

SCHEDULE.

Schedule.

FORM A.
VOTING-PAPER.

ON the following Bill [or other legislative proposal] submitted to the Referendum under "The Constitution Act Amendment Act, 1896," namely:—

[If a Bill, set out the Short Title; if any other legislative proposal, set it out.]

I vote for above Bill [or proposal].

I vote against the above Bill [or proposal].

N.B.—The voter must signify his vote by striking out the voting line which does not express his wish. If he strikes out both lines, or neglects to strike out one of them, the voting-paper will be void.

FORM B.

RETURNING OFFICER'S CERTIFICATE OF RESULT OF POLL.

Referendum under "The Constitution Act Amendment Act, 1896."

I CERTIFY that the following is a correct statement of the result of the poll taken in the Electoral District of _____, on the _____ day of _____, 18____, on the following matter, that is to say:—

[If a Bill, set out its Short Title; if any other legislative proposal, set it out.]

Total of votes for the Bill [or proposal]	...	...	3,700
Total of votes against the Bill [or proposal]	...	..	3,250
Total of votes received	...	...	6,950
Total of informal votes...	...	...	24

Dated at _____, the _____ day of _____, 18____.

To the Clerk of Writs.

A.B.,
Returning Officer.

FORM C.

STATEMENT OF CERTIFICATE BY CLERK OF WRITS.

Referendum under "The Constitution Act Amendment Act, 1896."

THE following is a tabulated statement of the results of the polling taken in every electoral district throughout the colony, on the _____ day of _____, 18____, upon the following matter, that is to say:—

[If a Bill, set out its Short Title; if a legislative proposal, set it out.]

Electoral District.	Votes.		
	For.	Against.	Informal.
A	3,700	3,250	24
B... ..	4,500	4,800	52
Etc.	Etc.	Etc.	Etc.
Total			

As, of the total number of votes recorded, the majority is recorded for [or against] the Bill [or legislative proposal], I hereby declare such Bill [or legislative proposal] to be approved [or disapproved] by the Referendum.

Dated at Wellington, this _____ day of _____, 18____.

C.D.,
Clerk of Writs.